

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION

ISAIAH SCOTT BOONES §  
v. § CIVIL ACTION NO. 6:07cv54  
DIRECTOR, TDCJ-CID § (Consolidated with 6:07cv74)  
§

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE  
AND ENTERING FINAL JUDGMENT

The Petitioner Isaiah Scott Boones, proceeding *pro se*, filed this application for the writ of habeas corpus complaining of the legality of his confinement. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

Boones filed two separate habeas corpus petitions, which were consolidated into the instant action. Both petitions challenged Boones' conviction for aggravated assault with a deadly weapon, for which he received a sentence of 80 years in prison.

The Magistrate Judge ordered the Respondent to answer Boones' petition. On April 30, 2007, the Respondent filed an answer asserting that the statute of limitations had expired and that Boones' claims had no merit. Boones did not file a response to the petition.

On May 31, 2007, the Magistrate Judge issued a Report recommending that Boones' petition be dismissed as barred by the statute of limitations. The Magistrate Judge also recommended that Boones be denied a certificate of appealability *sua sponte*. A copy of this Report was sent to Boones at his last known address, return receipt requested, but no objections have been received; he is barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-

to proposed factual findings and legal conclusions accepted and adopted by the district court.  
Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has examined the Report of the Magistrate Judge and the pleadings in the cause, and has concluded that the Report of the Magistrate Judge is correct. It is accordingly ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled application for the writ of habeas corpus be and hereby is DISMISSED with prejudice as barred by the statute of limitations. It is further

ORDERED that a certificate of appealability is hereby DENIED to the Petitioner Isaiah Boones *sua sponte*. Finally, it is

ORDERED that any and all other motions which may be pending in this cause are hereby DENIED.

**SIGNED this 27th day of June, 2007.**



MICHAEL H. SCHNEIDER  
UNITED STATES DISTRICT JUDGE